IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 34163 of 2007(P)

PETITIONER:

P.SAHADEVAN, AGED 43 YEARS, S/O.PARAMESWARAN,
PART TIME SWEEPER, KRISHI BHAVAN,
VAIKOM, KOTTAYAM DISTRICT.

BY ADV. SRI.K.REGHU KOTTAPPURAM.

RESPONDENTS:
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1. **THE AGRICULTURAL OFFICER,**
   KRISHI BHAVAN, VAIKOM, KOTTAYAM DIST.

2. **THE PRINCIPAL AGRICULTURAL OFFICER,**
   CIVIL STATION, KOTTAYAM.

3. **THE DIRECTOR OF AGRICULTURE,**
   STATE OF KERALA, THIRUVANANTHAPURAM.

4. **THE SECRETARY TO GOVT.,**
   AGRICULTURE (FARMS) DEPARTMENT, GOVT. SECRETARIAT,
   THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. BEJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

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W.P.(C)NO. 34163 OF 2007

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Dated this the 10th day of December 2007

JUDGMENT

The petitioner claims to have been working as a casual sweeper in the Krishi Bhavan, vaikom with effect from 15.6.1989. He contends that the sweeping area serviced by him is 111.48 sq.metres. A proposal for creation of a part-time sweeper in the office was forwarded under Ext.P4. The petitioner contends that the said proposal is now with the government, as is evident from Ext.P8, which is an affidavit filed on behalf of the respondent in a contempt of court case initiated by the petitioner. A perusal of Ext.P8 shows that the government had returned the proposal with a further direction to re-submit the same, after deducting the store area from the total sweeping area in terms of the government circular No.58/07/Finance dtd.5.7.2007. It is not known whether the proposal has been re-submitted by the Principal Agricultural Officer. The fact remains that final orders are yet to be passed by the government in terms of GO 501/2005. The sweeping area for the purpose of GOP 501/2005 is to be determined as per the appendix to the said government order. The terms of the government order cannot be varied by administrative

instructions. This aspect along with other aspects have been considered by this court in W.P.(C)13828/2007 and connected cases.

After having heard the learned government pleader also, the writ petition is disposed of directing the 4th respondent to take a final decision on Ext.P4 in terms of GO(P)501/2005 and to assess the sweeping area in terms of the appendix to the said government order. The 4th respondent shall also bear in mind the directions issued by this Court in the judgment in W.P.(C)13828/2007 and connected cases. If there is a proposal to pass any order adverse to the petitioner, he shall be heard in this regard. 4th respondent shall pass final orders on Ext.P4 within a period of three months from the date of receipt of a copy of this judgment. Petitioner shall produce the copy of the judgment along with the representation and a copy of the judgment aforementioned, as early as possible, before the 4th respondent for compliance.

V.GIRI, JUDGE

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